

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN T. MADEWELL,

Petitioner,

vs.

AREF FAKHOURY, Warden,

Respondent.

No. C 12-1675 JSW (PR)

ORDER OF TRANSFER

(Docket No. 5)

Petitioner is a state prisoner currently incarcerated in Chino, California. He has filed a pro se petitions for a writ of habeas corpus under 28 U.S.C. § 2254 challenging convictions obtained in Tuolumne and Mariposa Counties. Chino is located within the venue of the Central District of California, but Tuolumne and Mariposa Counties lie within the venue of the Eastern District of California. *See* 28 U.S.C. § 84.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).


As Petitioner was convicted and in the Eastern District, this action is TRANSFERRED to the United States District Court for the Eastern District of

1 California. *See* 28 U.S.C. § 1406(a). Ruling on the pending application for leave to
2 proceed in formap pauperis (docket number 5) is deferred to the Eastern District in light
3 of this transfer.

4 The Clerk of the Court shall transfer this matter forthwith.

5 IT IS SO ORDERED.

6 DATED: May 1, 2012

7 
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN THOMAS MADEWELL,
Plaintiff,

Case Number: CV12-01675 JSW

CERTIFICATE OF SERVICE

v.


AREF FAK HOWRY et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 1, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Thomas Madewell V-25432
California Institution for Men
WJH #178L
P.O. Box 368
Chino, CA 91708

Dated: May 1, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk